IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5735 OF 2004.

Shri Shivneri Sahakari Bank Ltd. .... Petitioners.

versu.

M/s.Shinde Builders & Developers
and others. .... Respondents.

Shri A.A.Kumbhakoni for the Petitioners.

Shri H.S.Venegaonkar for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 9th December, 2004.

P.C.:

1. Heard Shri Kumbhakoni for the Petitioners and Shri Venegaonkar for the Respondents.

2. The challenge in this petition is to the order dated 14th June 2004 passed by the learned Member of the Maharashtra State Cooperative Appellate Court, Mumbai Bench at Pune, Camp: Kolhapur, in an Appeal preferred by the Respondent No.1 to 3. The said Appeal was preferred by the Respondent No.1 to 3 for challenging ad-interim order dated 23rd March 2004 passed by the Cooperative Court in a dispute filed by the Petitioner-Bank. It is not in dispute that the interim application itself has been decided by the Cooperative Court on 29th October 2004. By the impugned order, the learned Member of the Appellate Court stayed a part of the ad-interim order dated 23rd March 2004. In view of the final order passed

in the interim application in the dispute, ad-interim order dated 23rd March 2004 no longer operates. Therefore, order of stay granted by the Cooperative Appellate Court does not survive now. Hence the petition does not survive and the same is disposed of with no order as to costs.

3. Parties to act on authenticated copy of this order.

Judge.